



02-11-02

\$1655

Dae #11

Patent
Attorney Docket: 255/040

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael J. Heller et al.

Serial No.: 09/597,866

Filed: June 20, 2000

For: APPARATUS AND METHODS FOR
ACTIVE PROGRAMMABLE MATRIX
DEVICES

Group Art Unit: 1655

Examiner: B. Forman

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FEB 20 2002

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PETITION TO CORRECT INVENTORSHIP UNDER 37 CFR §1.48(c)

Box DAC
Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 CFR §1.48(c), Applicants hereby petition that the following inventor be added to the above-captioned application: **Eugene Tu**.

The amendment of the claims has necessitated the addition of the inventor. Thus, the inventor was omitted without any deceptive intent on his part nor on the part of the assignee.

Enclosed herewith are the following:

1. Declaration of Eugene Tu;
2. Assignment recordation cover sheet;
3. Assignment from Eugene Tu to Nanogen, Inc.;

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OFFICE OF PETITIONS

OC-102755.1

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

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130.00 DP

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

EV051624645US
Express Mail Label No.February 06, 2002
Date of Deposit

Adriana Mojarro

Name of Person Mailing Paper

Signature of Person Mailing Paper

4. A statement from Eugene Tu stating that there was no deceptive intent on his part with respect to his not being named on the application as filed;
5. A statement signed by the representative of the Assignee providing the Assignee's consent to the addition of Eugene Tu as inventor; and
6. Counsel's check in the amount of \$170.00 (\$130.00 to cover the fees set forth in 37 CFR 1.17(i) required for this Petition and \$40.00 for recording the assignment).

The Commissioner is authorized to charge any fee deficiencies related to this filing or credit any overpayment of fees to Counsel's Deposit Account No. 12-2475.

Respectfully submitted,

LYON & LYON LLP

Dated: February 6, 2002

By: 

David B. Murphy
Reg. No. 31,125

633 West Fifth Street, Suite 4700
Los Angeles, California 90071-2066
(949) 567-2300

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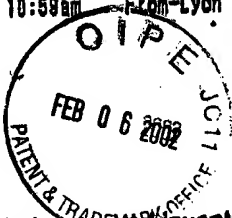
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10:59am

From Lyon & Lyon LLP

848 587 6600

T-080 P.003/008 F-093



DECLARATION Utility Application

Lyon & Lyon LLP
Attorney Center No. 250740
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FEB 20 2002

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. **TECH CENTER 1600/2900**

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **APPARATUS AND METHODS FOR ACTIVE PROGRAMMABLE MATRIX DEVICES** the specification of which was filed on **June 20, 2000** as United States Application Serial No. 09/597,868, which was amended on September 8, 2000 and October 2, 2001, and is further amended herewith.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned
Continuation of 09/141,286		August 27, 1998	Patented
which is a Continuation of 08/534,454		September 27, 1995	Patented
which is a CIP of 08/304,667		September 9, 1994	Patented
which is a CIP of 08/271,882		July 7, 1994	Patented
which is a CIP of 08/148,504		November 1, 1993	Patented

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02-05-02

10:58am

From-Lyon & Lyon LLP

949 567 6600

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F-899

Lyon & Lyon LLP
Attorney Docket No. 255040

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name Eugene	MIDDLE Initial	LAST Name TU	
	RESIDENCE & CITIZENSHIP	City San Diego	State or Foreign Country California	Country of Citizenship US	
	POST OFFICE ADDRESS	3527 Lark Street	City San Diego	State or Country California	Zip Code 92103
INVENTOR'S SIGNATURE			DATE 2/6/02		

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OFFICE OF PETITIONS

#11



Patent
Attorney Docket: 255/040

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael J. Heller et al.

Serial No.: 09/597,886

Filed: June 20, 2000

For: APPARATUS AND METHODS FOR
ACTIVE PROGRAMMABLE MATRIX
DEVICES

)
) Group Art Unit: 1655

)
) Examiner: B. Forman

STATEMENT OF ASSIGNEE FOR CORRECTION
OF INVENTORSHIP UNDER 37 CFR §1.48(c)

BOX DAC
Commissioner for Patents
Washington, D.C. 20231

Sir:

Nanogen, Inc., a Delaware corporation, is the Assignee of the above referenced application. It has come to the Assignee's attention that Eugene Tu, a co-inventor of the subject application, was inadvertently omitted from the originally filed application. This inventor was omitted due to the fact that the claims have been amended to include disclosed matter that was originally unclaimed in the subject application. Thus, there was no deceptive intent on the part of Eugene Tu.

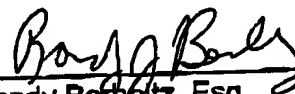
The Assignee herewith grants its consent that this inventor be added to the application as a co-inventor.

Respectfully submitted,

NANOGEN, INC.

Dated: 2/5/02

By:


Randy Benfoltz, Esq.
Senior Corporate Attorney and
Director, Business Development



#11 DAC

Patent
Attorney Docket: 255/040

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael J. Heller et al.

Serial No.: 09/597,866

Filed: June 20, 2000

**For: APPARATUS AND METHODS FOR
ACTIVE PROGRAMMABLE MATRIX
DEVICES**

Group Art Unit: 1855

Examiner: B. Forman

**STATEMENT OF INVENTOR FOR CORRECTION
OF INVENTORSHIP UNDER 37 CFR §1.48(e)**

**BOX DAC
Commissioner for Patents
Washington, D.C. 20231**

Sir:

I, Eugene Tu, declare that I am an inventor of the subject application. The claims have been amended to claim subject matter disclosed, but not claimed, in the application as filed, and so I was inadvertently omitted as an inventor on the application as filed. Thus, there was no deceptive intent on my part. Please add my name to this application as a co-inventor with respect to all claims as amended.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated:

2/6/02

Eugene Tu